

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: June 20, 2008

Date Filed:

Court Date:

## COUNTY

ATTORNEY(S): Jonathan A. Fink Esq. : FINK & KATZ, PLLC PH: 212-385-1373  
 ADDRESS: 40 EXCHANGE PL #2010 New York N.Y. 10005 File No.:

**BRIAN MICHELS,**  
 vs.  
**THE CITY OF NEW YORK, et al.,**

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU

SS.:

HARRY TORRES, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On July 2, 2008 at 3:08 PM at NEW YORK CITY LAW DEPARTMENT 100 CHUCH STREET 4TH FLOOR NEW YORK, NY 10007, deponent served the within **Summons In A Civil Case and Complaint and Jury Demand**

with Index Number 08 CIV 5617, and Date Purchased June 20, 2008 endorsed thereon, on: **THE CITY OF NEW YORK**, **Defendant** therein named.

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- #2 CORPORATION ☒ By delivering to and leaving with AMANDA GONZALEZ - DOCKETING CLERK and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.
- Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*
- #3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state.
- #4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.
- #5 MAIL COPY ☐ On \_\_\_\_\_, deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. \_\_\_\_\_ Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_
- #6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: ☐ Unknown at Address ☐ Evading ☐ Moved left no forwarding ☐ Address does not exist ☐ Other: \_\_\_\_\_
- #7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
 Sex Female Color of skin Tan Color of hair Black Age 21 - 35 Yrs. Height 5' 4" - 5' 8"  
 (use with #1, 2 or 3) Weight 100 - 130 Lbs. Other Features: \_\_\_\_\_

#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARY SRVC ☐ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.

#10 OTHER ☐

Sworn to before me on this 9 day of July, 2008

BARBARA A. SHURGIN  
 NOTARY PUBLIC, State of New York  
 No. 30-5004737, Qualified in Nassau County  
 Commission Expires November 23, 2010

HARRY TORRES  
 Server's Lic # 0915257

Invoice•Work Order # 0828817